

**Community Preservation Act Committee (CPAC) Meeting
Minutes Thursday, February 26, 2009**

CALL TO ORDER: The meeting was called to order by Peter Jessop, Chair, at 6:02 pm in the Community Room, Amherst Police Station

COMMITTEE MEMBERS IN ATTENDANCE:

Briony Angus, Denise Barberet, Louis Greenbaum, Peter Jessop, Ellen Kosmer, Vince O'Connor, Vice Chair, Mary Streeter, Clerk, Stan Ziomek

COMMITTEE MEMBERS ABSENT: Vladimir Morales

STAFF / OTHERS IN ATTENDANCE:

Sonia Aldrich, Comptroller, Jonathan Tucker, Dave Ziomek, Roy Rosenblatt, staff; Diana Stein, Select Board liaison; Carol Gray, Richard Morse, M. J. Adams, Tanya Cushman, Walter Wolnik, Jim Wald, 2 student observers from UMass; Scott Merzbach, Press

AGENDA

Public Hearing 6-7 pm

- o Affordable Housing
- o Historic Preservation
- o Open Space

CPAC meeting 7-9

- o Review and discuss Town Counsel Opinion on past and future AHC projects
- o Financial overview
- o Discussion / Motions
- o Minutes
- o Schedule future meetings
- o Adjourn

The Public Hearing continued from 2/5/09 was reopened. Committee members introduced themselves.

Housing

M. J. Adams from Habitat for Humanity requested \$30,000 in CPA funds to be used toward the third house to be built in the Stanley Street / South East Street area. In the past Habitat for Humanity could only accept money for site development, but now it allows local chapters the discretion to use CPA funds for the building of homes. They get an affordable housing restriction "in perpetuity", which will be put on the deed for this third house as it has been put on the first two homes. The sale price of that first home was \$125,000, which was higher than they had hoped due to the addition of solar panels. They will probably buy wood, plumbing materials, and kitchen cabinets with the money. Peter apologized for not making Habitat for Humanity aware of the deadline for submitting proposals. There will be a total of 4 houses built in Amherst. They are also building 5 houses in Northampton. There is nothing to prevent landscaping from being done on the lots; however, there is an agricultural restriction easement on two of the properties.

Open Space

Tanya Cushman from Leverett, who is affiliated with J&J Farms on Meadow Street in Amherst submitted a request earlier for the cost of an appraisal for property on Meadow Street in North Amherst, currently owned by Donald Laverdiere and Leigh Andrews, but she learned yesterday that this will be done with other appraisal money, and so she is no longer requesting CPA funds at this time. She passed out written materials for the committee with further information. She said lot numbers may need correction and said the map did not show a recent agricultural restriction north of the auction barn. Briony said there is a long history of negotiations related to this property. She said the Conservation Commission is extremely excited about the prospects

for conserving this property. The packet of materials contains a letter from Leigh Andrews, one of the property owners. Vince said funds from a prior Town Meeting were committed for open space appraisals such as this.

Historic Preservation

Jonathan Tucker informed us that there was a telephone conference call this morning between Town Counsel and Town staff concerning the question of eligibility of projects. Town Counsel said the question of eligibility rests on how closely the project results in direct protection of the historic resources. Therefore staff and Town Counsel will go through each project individually.

Motion by Vince, seconded by Stan that we received both packets of material from Kopelman and Paige along with accompanying materials from the Historical Commission from 2/5/09 and 2/26/09 and verbal comments from Jonathan Tucker and that they be entered into the record as part of the Public Hearing. Voted 7-0-1 (Denise abstained.)

Motion by Stan, seconded by Louis to close the Public Hearing at 6:33 pm. Voted unanimously.

Discussion Town Counsel Opinion on past and future AHC projects

Jonathan Tucker said that Town Counsel advised that Interpretive Signs are not eligible for CPA funding "if interpretation is all that it does". The historic resource must be protected. The Seidman vs Newton case is the only court case to date. There is scant guidance from the State Department of Revenue on this. Jim Wald and Louis Greenbaum from the Historical Commission and Jonathan Tucker and Nate Malloy from the Planning Department have written a response to the Town Counsel's opinion.

Financial overview

Sonia Aldrich reviewed the financial status. The State matching funds are estimated to be 35% this year.

Discussion

- The \$20,000 in matching funds for the MHC Survey and Planning grant, which we did not receive, have been moved up to the Civil War Tablets project changing that amount from \$45,000 to \$65,000.
- The Olendzki project on Station Road has been changed from \$100,000 to \$150,000.
- Vince asked Jonathan to have available the specific wording for reprogramming the funds for the Hills Landscape Park project and said we should have the language for this to be a warrant article. Stan asked about the status of the Main Street lots. Jonathan said the lots have been sold within the family. The owners are still interested in offering the lots to the Town and he is in discussion with them about what that would mean. There will need to be another appraisal before Town Meeting because the State requires appraisals to be done within a certain time frame. Last time the lots were appraised at \$135,000 each, which was considerably less than what the owners had requested. Denise said this should be considered something new; there was information that came forward after the 2008 Annual Town Meeting vote. This is not the same project. We need a clarified project. Peter said there needs to be a crisp presentation before town meeting on this project.
- Vince asked about the \$10,000 for the Historic District designation. Jonathan said there are a number of candidates for this – there may be an expansion of the Emily Dickinson District.

- Sonia Aldrich discussed the possibility of paying for legal costs with CPA administrative funds. She said there were considerable billable hours beyond Kopelman and Paige's contract with the Town for legal work. Mary questioned the expenditure of over \$1000 in legal costs for the deed restriction for the \$8000 Women's Club project, which the Women's Club declined. Peter said the legal charges associated with the Olympia Drive Housing project were part of the pre-development costs. Vince suggested that legal costs be included as part of each project's total cost.
- Carol Gray said the appraisal on the South East Street/Nielson property will be completed. She asked the committee to be aware that this project may come alive again in the future.
- Vince asked about the status of the Plum Brook soccer fields. Stan said they weren't irrigated properly and the Town Manager was negotiating with the Conservation Committee to use weed killer.
- Louis said there seems to be an absence of specific deadlines for proposals. Mary suggested we do more publicity in the Fall about proposal deadlines.

MINUTES MOTION by Briony, 2nd by Peter to accept the minutes of **1/8/09** as amended.
VOTED: 8-0-0

ADJOURNMENT:

The meeting was adjourned at 8:47 PM. Motion by Stan 2nd Denise; voted unanimously.

NEXT MEETINGS:

Tuesday, March 17, 2009 at 6:30 pm in the First Floor Meeting Room, Town Hall

Thursday, March 19, 2009 at 12:15 with Joint Capital Planning Committee in Town Room, Town Hall

DOCUMENTS DISTRIBUTED

- Agenda
- Minutes 1/8/09, 3 pages
- Draft CPA FY2010 Funding Recommendation by Category for TM Report 1/16/09, 1 page
- Letter from Tanya Cushman, 2/24/09, 2 pages
- Letter from Leigh Andrews, 2/25/09, 1 page
- Letter from M. J. Adams, 2/25/09 forwarded by Peter Jessop, 2 pages
- CPA Funding for Historic Signs and Studies: Amherst Historical Commission Response to a Town Counsel Opinion, March 2009, 2 pages
- Why Historic Resources are Different - Amherst Historical Commission, March 2009, 2 pages
- Historic Preservation Definitions and Criteria - Amherst Historical Commission, February 2009, 2 pages
- Why Historic Resources are Different - Amherst Historical Commission, March 2009, 2 pages
- Massachusetts Communities Using CPA Funds for Historic or Open Space Signs a Partial List, 2/10/09, provided by Amherst Historical Commission, 2 pages
- Massachusetts Communities Using CPA Funds for "Studies", 2/23/09, provided by Amherst Historical Commission, 3 pages
- CPA Legal Expenses spreadsheet, 1 page
- Kopelman and Paige fax to David Ziomek, Review of CPA-Funded Projects, 2/2/09, 13 pages
- Community Preservation Coalition March 2009 Newsletter, 5 pages
- 11-page Handout from Tanya Cushman containing 3 maps of Meadow Street property, letters from Tanya Cushman 2/24/09 & 7/10/0; Bob Saul, Agricultural Commission 5/16/08; Amherst Conservation Commission (John Gerber) 8/28/08; and Alexandra Dawson, Chair, Hadley Conservation Commission 6/17/08

Respectfully submitted by Mary Streeter, Clerk
 Minutes approved June 22, 2009